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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No.349 of 2007

Appellant/ Defendant	Bhagwandas, S/o Purushottam Gupta, Age 53 years, Caste Kesharwani, Resident of Village Pendra, Tahsil Pendra Road, District Bilaspur (C.G.)
	versus
Respondent/ Plaintiff	Smt. Akanksha Singh, W/o Abhishek Kumar Singh, Age 23 years, Caste Kshatriya, Presently residing at Village Pendra, Tahsil Pendra Road, District Bilaspur (C.G.)

Second Appeal under Section 100 of the Code of Civil Procedure read with Order 42 Rules 1 and 2 of the Code of Civil Procedure

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Present : Shri Vijay Kumar Mishra, counsel for the appellant.

ORAL ORDER

(Passed on 27th August, 2007)

Heard on admission.

(2) The appellant/defendant is aggrieved by the judgment and decree dated 05-07-2007 passed in Civil Appeal No.29-A/2004 by the Additional District Judge, Fast Track Court, Pendra Road, whereby the judgment and decree dated 30-09-2004 passed in Civil Suit No.93-A/2002 by the Civil Judge Class-I, Pendra Road, whereby the suit was dismissed, was affirmed.

(3) Shri Vijay Kumar Mishra, learned counsel for the appellant did not dispute that the suit accommodation was let out to him by Dhanmat Kunwar, the grand mother of the respondent/plaintiff. It was also urged that in this appeal, the appellant is not challenging the receipt of a valid notice of termination of tenancy.

(4) The sole point urged by learned counsel for the appellant is that the respondent/plaintiff has failed to prove that she was the owner of the suit accommodation. No other ground was urged.

(5) Having heard learned counsel for the appellant, I have perused the judgment and decree of the trial Court. I am of the considered opinion that the trial Court has, upon proper appreciation of evidence, oral as also documentary, recorded a finding that the respondent/plaintiff is the owner of the suit accommodation and, therefore, the notice issued by her validly terminated the tenancy and the same was rightly affirmed by the lower appellate Court. In this view of the matter, no substantial question of law arises for determination of this appeal.

(6) Accordingly, the appeal is dismissed at the motion stage. Consequently, I.A.No.1, an application for grant of stay stands disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Gopal